



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

MINUTES

November 23, 1998

Report from consulting engineer on Malcolm Meadows SROSC site grading
Review of memo sent to the Library Board of Trustees regarding the Library Building Project
Discussion of "informal conceptual plan" for subdivision of land at 662 West Street, Map 6, Lot 63. [Request of Chris Fleming]
Report on other recent meetings
Discussion of potential matters before the Bylaw Review Committee [Request of Richard Colman, Chair]
Discussion of proposed Open Space Neighborhood Bylaw amendments
Discussion of proposed Agreement for Judgment re: Hunters Run Definitive Subdivision Plan [disapproved 7/15/97 and appealed 8/4/97] [Request of Robert Kydd]
Discussion of potential amendment to a Common Driveway Special Permit on Swanson Lane [Erickson, applicant]

Chair Hengeveld called the meeting to order at 7:30 p.m. Members Abend, Holzman, Reid and Tice were present. Epstein arrived at 7:35 p.m. and LaLiberte was not present this evening. Planning Administrator Mansfield and Mosquito reporter David Ives were also present.

The minutes were reviewed and two clarifications were made. Reid moved to approve the minutes of November 9, 1998 as amended. Tice seconded and the minutes were approved 5-0.

(Epstein arrived)

Report from consulting engineer on Malcolm Meadows SROSC site grading

The PA reviewed the main points of the 11/20/98 letter received from Mark Sleger of LandTech. Mansfield noted that he spoke with Ron Peabody of Northwest Structures before receiving this letter and he had agreed to loam and reseed the problem areas in the spring. According to Sleger's letter, he and Larry Topjian of Northwest Structures agreed that the lawn might have failed to establish properly due to lack of water. This may have been caused by the limited capacity of the onsite wells. Sleger recommended that a lawn care specialist be consulted.

The Board directed Mansfield to prepare a cover letter to Peabody asking him for a written commitment to reseed. This cover letter, along with the letter from LandTech, should be forwarded to Peabody with a copy to the residents of Malcolm Meadows.

Review of memo sent to the Library Board of Trustees regarding the Library Building Project

The Board reviewed the 11/16/98 memo from the PA to Rosalie Johnson, Chair of the Gleason Library Board of Trustees. This memo offered the Planning Board's expertise in reviewing site plans for the Library Building Project. Mansfield spoke with Library Director Ellen Rauch about offering these services before drafting this memo and she seemed very receptive.

Discussion of "informal conceptual plan" for subdivision of land at 662 West Street, Map 6, Lot 63. [Request of Chris Fleming]

Chris Fleming last came before the Board in November 1997. He came before the Board again this evening and explained that a topographical map of the site is currently being prepared by Stamski and McNary. A definitive subdivision or a conservation cluster plan is being considered for the 18-acre parcel.

Fleming first showed a conceptual subdivision plan and explained that the roadway would be approximately 750 ft. in length with four building lots. This plan would require a waiver for turning radius at West Street and a waiver for proximity to an existing driveway.

The conservation cluster plan showed a common driveway in place of a subdivision roadway and this driveway also served four lots. The plan would leave five and one half acres of open space abutting the Pannell land. Fleming explained that this open space could also provide linkage to another 20-acre land-locked parcel. Both plans would divide the 18-acre Fleming parcel into five lots, with one lot for the existing house and four lots for new construction.

Tice asked if the driveway could be relocated to the other side of the property, but Fleming felt the location shown on the plans has better access due to grading and sight distances along West Street. The Board suggested that the applicant speak with his neighbors, the Hoffmans, whose existing driveway would be parallel to the proposed driveway and might be combined into one common driveway. Epstein noted that he would prefer to have a wider buffer around the perimeter of the property.

Epstein then reviewed the requirements of a conservation cluster to compare it with the proposal and found that parcel size, number of lots and percent of open space requirements could be met. The Board felt that the proposed open space would fulfill the objectives of a conservation cluster by encouraging linkage of conservation land and protecting scenic vistas. The Board unanimously agreed that the conservation cluster was preferred over the subdivision proposal.

Fleming noted that a portion of this parcel is under Chapter 61A and must be appraised and offered to the Town. Mansfield explained that this process must be completed before the PB can approve a plan. The PA also suggested that he consult with the Trails Committee before proceeding. Fleming also noted that the property has one additional acre in Acton, which he plans to leave as open space. The Board suggested that he contact Art Miliken of the Carlisle Land Trust. The CLT may be able to hold land in Acton, while the Town of Carlisle would be unable to do so.

Report on other recent meetings

Reid reported on the Housing authority meeting she attended. At that meeting, William Costello presented the same plans for a mixed income development that were presented to the PB on 10/26/98. Abutters, Selectmen, Cons.Com. and Board of Health representatives were also present. Reid explained that Costello claimed he could only attempt such a project in Carlisle because the many development restrictions have depressed the land value. Because of its shape, the property would normally support three lots, but with sixteen lots he expects to make a \$1-2 million profit. Hengeveld asked how the PB might assist the Housing Authority, but Reid felt that was not yet clear.

Discussion of potential matters before the Bylaw Review Committee [Request of Richard Colman, Chair]

Rich Colman, Dave Kelch, Bob Zielinski and Bob Koning of the Bylaw Review Committee came before the Board to discuss the objectives of their committee and ask for PB input. The Board of Selectmen has asked them to review bylaws that have been problematic in the past.

The first bylaw they have reviewed concerns the renovation of houses on non-conforming lots. When such a dwelling is expanded by more than fifty percent a special permit from the Board of Appeals is required by Sec. 6.3 of the Zoning Bylaws. The ZBA has been granting these permits as well as requests for variances from Sec. 6.3, but are not fully confident that their interpretation of the bylaw is correct. Therefore, they have asked that this bylaw be brought before Town Meeting to allow the public to decide how it should be written.

They have also reviewed the Home Occupations Bylaw and plan to rewrite it to expand the list of allowable occupations while controlling the number of employees and clients. A special permit would be required and the aesthetics of the business would be monitored. The Board suggested that the terminology of this bylaw be consistent with that of the Barn Preservation Bylaw.

The bylaws concerning temporary guest housing and accessory buildings will also be rewritten to clearly define "temporary housing" and to prevent the construction of more than one house per lot.

The Planning Board asked the Bylaw Review Committee to review Section 7.6 concerning site plan review. The PB wishes to have the authority to review site plans for municipal and other non-residential projects. Reid expressed an interest in working with the Committee if they pursue this bylaw change.

Mansfield suggested that the committee also review Section 5.6 regarding accessory apartments and limit home occupations to either the main dwelling or the accessory apartment. Multiple businesses at the same site could result in excessive traffic. The Barn Bylaw should also be reviewed to address this same issue. The Board offered to review any proposed bylaw changes and write a letter of support if appropriate.

Discussion of proposed Open Space Neighborhood Bylaw amendments

Epstein noted that he is still waiting for feedback from Board members. Reid suggested that landowners also be invited to a meeting to discuss proposed amendments, but Epstein felt it was important for the subcommittee to meet first and determine how to proceed. Abend noted that there are already many items on the agenda for Spring Town Meeting and perhaps the Board needs to reconsider its goals.

Discussion of proposed Agreement for Judgment re: Hunters Run Definitive Subdivision Plan [disapproved 7/15/97 and appealed 8/4/97] [Request of Robert Kydd]

Robert and Jean Kydd came before the Board along with their attorneys Douglas Hausler and Alan Lampert and their engineers Lynne Remington, Theresa O'Brien and John Boardman of Ross Associates. The following members of the public were also present: Dave Kelch and Ken Jeffers of Oak Knoll Road; Robert Koning of Acton Street; Milan Bedrosian, Susan and Tom McAndrew, Karla Johnson and Stewart Roberts of Nickles Lane; Rich Colman of Audubon Lane and Ferris Taylor of Hemlock Hill Road.

Hausler stated that the Kydds and their representatives had met with the abutters and resolved many issues regarding the development of this 28-acre property. The neighbors were primarily concerned with safety and maintaining the neighborhood. Grading, blasting and protection of wells were also a great concern. As a result of these discussions the engineers have designed a plan with two cul-de-sacs.

Boardman then explained that the new plan calls for a 250 ft. cul-de-sac off the end of Oak Knoll Road, which would access three 2-acre lots and one 4-acre porkchop lot. They would seek a waiver of Art.III to allow the road to be built to common driveway specifications within a standard roadway right-of-way. This would minimize tree removal and allow for a smaller detention pond. Another 680 ft. cul-de-sac would be built off the end of Nickles Lane to access four standard lots and two porkchop lots. This roadway would be built with 22 ft. wide pavement and a T-turnaround. The cul-de-sac would end near the Brown property line with an easement to allow for possible future development. A waiver to allow a 10% grade would be required to minimize cut and fills. Boardman stated that the requested waivers would be in line with the Planning Board goals to minimize disturbance and preserve views. Boardman also noted that an additional waiver would be required because water will flow off-site to an existing detention pond on Nickles Lane. He stated that due to reduced paving and grading, the flow across the property line would be less than in the original proposals. Boardman explained that grading onto Oak Knoll Road would not be required with this plan thus resolving the issue concerning access to the Kelch driveway. The grading will extend onto Nickles Lane.

The Board noted that this plan would exceed the rules and regulations by making Nickles Lane a 1750 ft. cul-de-sac with a total of 12 lots. Members further noted that there are already 33 existing lots on Oak Knoll Road.

When asked about a Conservation Cluster, Hausler explained that he had spoken with a consultant and it was unclear if this plan would provide sufficient tax benefit to the Kydds so it had not been pursued.

Fire Chief Robert Koning stated his concern with the design of Oak Knoll Road as a dead-end. He noted that it is already a problem with 33 homes, one access point and no water source. He also was opposed to the proposed T-turnaround on Nickles Lane. When asked if a fire cistern on Oak Knoll would alleviate the problem, Koning replied that this would help, but access is still a major concern.

The Chair opened the discussion to the public. Ferris Taylor stated that this plan was the best he had seen because it avoids excessive blasting. He noted that an ANR plan would allow a driveway off Oak Knoll anyway. Taylor was not opposed to the idea of a through-road on this site, but felt the grades were too excessive to be designed safely. Regarding a second means of access, he suggested that there might be a driveway off Maple Street that runs parallel to a driveway with access on Oak Knoll Road, and these could be connected by an emergency access easement.

Stewart Roberts, Dave Kelch, Milan Bedrosian, Tom McAndrew and Ken Jeffers each expressed their appreciation for the meetings held with the abutters. They generally felt that this plan was much better than those previously presented because it minimized blasting, wetlands disruption and steep grading.

Former Planning Board member Rich Colman remembered that when Nickles Lane was originally created, a turn-around was purposely not designed with the intent that it would eventually become a through road. Koning agreed.

The applicant asked for direction and the Board questioned whether this discussion was in context of the pending litigation, or if it should be treated as a new plan.

At 10:10 Abend moved to go into executive session for a maximum of twenty minutes to determine the context of the discussion. Reid seconded the motion. The Board was polled and unanimously approved the motion. At 10:25 the Board unanimously returned to regular session.

Epstein stated that the Planning Board views this plan as a new submission and requested that any comments made by the Board not be used against them or admitted as evidence in the pending litigation. On behalf of the applicant, Hausler agreed to this request.

Each Board member gave an opinion of the plan as follows: Reid felt that a plan with this many lots, especially on Oak Knoll Road, requires a through road. She might be inclined to look more favorably on a similar plan with fewer lots. Tice felt comfortable with the Nickles Lane proposal, but was concerned about the common driveway on Oak Knoll. He was hoping that a Conservation Cluster Plan would be considered. Abend felt the common driveway


proposal would set a dangerous precedent. He would prefer a cistern and two well-designed cul-de-sacs with a maximum of two lots accessed from Oak Knoll. Hengeveld agreed with Abend and Reid and expressed concern over the extensive common driveway. Epstein felt that a through road would be ideal for fire safety, yet the terrain makes this very difficult. With the two cul-de-sac plan, he would minimize the number of lots and require one or two cisterns. Turn-arounds must be built to fire chief specifications and access to the adjacent Brown property should be restricted. Epstein also expressed concern over the safety of access to Nickles Lane at East Street and might ask the developer to improve this intersection. Holzman generally agreed with his fellow board members and suggested that the design of the cistern and detention pond might be combined. Abend also asked that the developer consider the adequacy of the access of Milne Cove Road onto East Street.

Discussion of potential amendment to a Common Driveway Special Permit on Swanson Lane [Erickson, applicant]

Hengeveld explained that Mr. Erickson found the common driveway special permit plan approved in 1994, but it does not show where the driveway forks to serve lots 19, 20 and 21. Erickson wishes to amend the special permit to allow this driveway to serve five lots, and feels it is not necessary to show the accesses to the additional two lots. Mansfield also noted that there is a bridge on the common driveway, which is only 12 ft. wide and has no shoulders. He questioned whether additional access should be granted via this common driveway. The Board agreed that an amended plan is required to determine where the lots will have access. The Board will also require a copy of the revised maintenance agreement.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,



Anja M. Stam
Recording Secretary